

Town of Lovettsville

STAFF REPORT

TOWN COUNCIL

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2010-0003 Outdoor Swimming Pools, Hot Tubs and Spas
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	October 14, 2010
APPLICANT	Town of Lovettsville

BACKGROUND: This item was referred back to the Planning Commission on June 24 in order for the Commission to consider including hot tubs and spas in the swimming pool Zoning Ordinance regulations. The Commission discussed the issue and held a second public hearing, September 1, 2010, at which time it made a recommendation to the Town Council on this item.

DISCUSSION: The Planning Commission agreed with the Town Council that since hot tubs and spas already require a County building permit for safety reasons that they should be included in the Town Zoning Ordinance regulations for swimming pools as a way to inform homeowners of the building permit requirement. The Planning Commission also wanted the Town Council to know it does not think people who get permits for hot tubs and spas should have to pay a fee. This is not part of their recommendation, however, because the Council establishes the Town Fee Schedule.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended the following text changes to the existing Zoning Ordinance regulations for swimming pools:

4-8 ~~PRIVATE~~ OUTDOOR SWIMMING POOLS, HOT TUBS AND SPAS

A zoning permit shall be required and granted for the installation or construction of a temporary, permanent, public or private, in-ground or above ground outdoor swimming pool, hot tub or spa with a water depth of two (2) feet or more in any zoning district, subject to the following conditions:

- (a) In residential districts and the residential portions of districts that allow residential use an outdoor swimming pool, hot tub or spa shall only be located in a may be erected on the required rear yard but not in the required side or front yard. A swimming pool, hot tub or spa is permitted in a front yard on a through lot only if it is located in the front yard opposite the front entrance of the building on the lot.
- (b) An outdoor swimming pool, hot tub or spa located in a residential district or in the residential portion of districts that allow residential use shall not be set back at least located nearer than ten (10) feet to from a property boundary. If a hot tub or spa is located on a deck its setback may be the same as that allowed for the deck from any property boundary or the same as the primary building if it not located on a deck.
- (c) In commercial districts and the light industrial district a swimming pool, hot tub or spa is permitted to be located in a front, side and rear yard. Such facilities shall be set back at least fifty (50) feet from an adjacent residential district or from any district that allows residential use by right.
- (d) ~~(c) Any pool with a surface of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall six (6) feet in height designed to prevent access thereto by small children and animals.~~
- (d) ~~All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool.~~
- (e) ~~All electrical wiring used in conjunction with such pool shall be installed below the ground or in a conduit to the nearest point of use. All wiring shall be waterproof. All connections shall be waterproof. All electric motors, lights, pumps, and like items shall be properly grounded.~~

DRAFT MOTION: “I move that the Town Council approve the proposed Zoning Ordinance revised text for Article 4, General Regulations, Section 4-8 Private Outdoor Swimming Pools.”